

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:**

**CHAPTER 13 CASE NO.:**

**CONTESSA TODD**

**19-13066-JDW**

**OBJECTION TO CONFIRMATION OF FIRST AMENDED PLAN (DKT. #14)**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the “Trustee”), by and through counsel, after conducting the Section 341(a) Meeting of Creditors, reviewing the Petition, Schedules, and Statement of Financial Affairs, and files this Objection to Confirmation of First Amended Plan (the “Objection”), and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Petition on July 31, 2019 (the “Petition Date”). The Debtor filed a proposed First Amended Chapter 13 Plan (Dkt. #14) (the “Plan”) on September 23, 2019.

2. The Debtor is below median income and the proposed term of the Plan is sixty (60) months. The Plan does not provide for a distribution to nonpriority unsecured creditors. The liquidation value in Section 5.1 of the Plan is zero (0).

3. The Debtor’s Plan fails to comply with 11 U.S.C. §§ 1325(a)(1) and (b)(1)(B). Section 5.1 of the Plan does not provide for payment of all of the Debtor’s projected disposable income for nonpriority unsecured creditors. According to Amended Schedule I (Dkt. #20) and Schedule J (Dkt. #1, Pg. 26), the Debtor’s monthly net income is \$3,115.48 and the plan payment is \$1,058.42. Accordingly, there remains \$2,057.06 of projected disposable income not being paid by the Debtor.

4. The Debtor should timely remit all plan payments due under the Plan prior to the hearing or the case should be dismissed for failure to comply with the proposed Plan.

5. For the reasons set forth herein, the Trustee submits that Confirmation of the Plan should be denied and the case dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that upon notice and hearing that this Court enter its order sustaining the Objection. The Trustee prays for other such general and specific relief to which Trustee and this bankruptcy estate may be entitled.

Dated: October 8, 2019.

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman  
ATTORNEYS FOR TRUSTEE  
W. Jeffrey Collier (MSB 10645)  
Melanie T. Vardaman (MSB 100392)  
6360 I-55 North, Suite 140  
Jackson, Miss. 39211  
(601) 355-6661  
[mvardaman@barkley13.com](mailto:mvardaman@barkley13.com)

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: October 8, 2019.

/s/ Melanie T. Vardaman  
MELANIE T. VARDAMAN